

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated February 1, 2011. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application. Claims 1, 4, 8 and 13 are independent claims. The amendment to the claims is not intended to narrow the scope of the prior claims and is merely submitted to further prosecution of this matter and to either promote allowance of the claims or at least, reduce pending issues and place the claims into a better condition for appeal. Accordingly, consideration and entrance of the amendments to the claims is respectfully requested.

In the Office Action, claims 1-2, 4-5, 8-11 and 13-20 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,732,185 to Hirayama et al. ("Hirayama") in view of U.S. Patent No. 7,379,661 to Lamkin ("Lamkin"). Claims 3, 6-7 and 12 are rejected under 35 U.S.C. §103(a) over Hirayama and Lamkin in view of U.S. Patent No. 7,286,747 to Lewis ("Lewis"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-20 are allowable over Hirayama in view of Lamkin alone and in view of Lewis for at least the following reasons.

In the portion referenced in the Office Action on page 3, Hirayama describes a movie program having three stories, not "a story line including a plurality of distinct branches ... the plurality of distinct branches leading to a respective plurality of diverged endings of the content story line", as for example recited in claim 1. As FIG. 9A of Hirayama illustrates, program bars 0-6 from three stories. The first story includes story bars 0, 1, 5 and 6; the

second story includes story bars 0, 2, 3 and 6; and the fourth story includes story bars 0, 1, 4 and 6. Accordingly, in Hirayama all stories have the same ending and there are 3 different stories (stories 1, 2 and 3).

Further, it is undisputed that Hirayama does not disclose many of the elements of the claims. (See page 3, second paragraph of the Office Action.) Specifically, it is admitted that Hirayama does not disclose "the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback", as for example recited in claim 1, as well as the act of "detecting a branch indication while playing the content", as for example also recited in claim 1.

The Office Action relies on Lamkin, to describe that which is admitted missing from Hirayama. However, as argued in the response to the previous Office Action (see, December 14, 2010 amendment, for example on page 9), this reliance is misplaced. It was previously pointed out that since Lamkin does not disclose branches of a story line, it similarly does not disclose branch indications (see, December 14, 2010 amendment, for example on page 9 continuing to page 10).

The Office Action relies on Lamkin, col. 21, lines 25-29 for disclosing the branch indication. However, a repeated examination of the referenced paragraph of Lamkin discloses the following text:

In operation, bookmark (1504) records the necessary information to return to the same point in the video playback of video (1502) by recording the title number, time position, chapter, angle, sub picture, and language.

The word "bookmark" is used. Bookmarks are well known, they are indications to the playback device where to start the playback. Bookmarks are not branch indications. Bookmarks do not tell the playback device which branch to playback.

The Examiner again accentuates the mention in Lamkin of the "angle". As argued in the response to the previous Office Action, as best understood, because Lamkin does not disclose what is meant by the term "angle", it is guessed, since that is all that can be done with Lamkin's lack of any description related thereto, that the angles are different perspectives of the same scene. Therefore, as the Applicants continue to maintain, regardless of the selected angle, the story line of the content in Lamkin is the same. Thus it is respectfully maintained that Lamkin does not teach, disclose, or suggest "the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback", as for example recited in claim 1. Accordingly, it is again respectfully submitted that bookmarks including different angles of Lamkin are not analogous to the branch indications recited in the claims nor would a person of ordinary skill in the art understand them to be equivalent or gleam any teaching otherwise from Lamkin.

Further, because Hirayama and Lamkin lack description of the branches and branch indications, it is respectfully submitted that they do not teach, disclose, or suggest any elements of the claims recitation of a branch indication.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Hirayama in view of Lamkin. For example, Hirayama in view of Lamkin does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "method for playing content having a story line including a

plurality of distinct branches on a playback device, the plurality of distinct branches leading to a respective plurality of diverged endings of the content story line, the method comprising acts of: on the playback device: detecting a branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback; and creating a bookmark corresponding to the detected branch indication to record relevant information of said branch indication including which one of the plurality of distinct branches to continue for playing the content, wherein each branch indication of the played content has a corresponding created bookmark, wherein subsequent playing of the content is guided by the created bookmarks" as recited in claim 1, and as similarly recited in claims 4, 8 and 13.

Lewis is introduced for showing elements of dependent claims and does not remedy the deficiencies of Hirayama in view of Lamkin with respect to the independent claims.

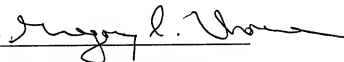
Based on the foregoing, the Applicants respectfully submit that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support

of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
March 21, 2011

THORNE & HALAJIAN, LLP
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:

Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643